

Judge's decision wrong, says lawyer for printer

KUALA LUMPUR, Fri: A High Court judge erred when he upheld an order to a printing company to give further details of its defence to businessman Mirzan Mahathir in a defamation suit, the Court of Appeals heard today.

Lawyer Robert Lazar said some of the particulars were in the hands of Hongkong-based Dow Jones Publishing Company (Asia) Inc, the publisher of the *Asian Wall Street Journal* (AWSJ).

Since the particulars sought involved the root of their defence of justification, they should be made available in the course of the trial, he said.

He was submitting for Star Papyrus Printing Sdn Bhd in its appeal against Justice Datuk R.K Nathan's decision that the company furnish the details as instructed by the

Senior Assistant Registrar Star Papyrus is the printer of the Malaysian edition of AWSJ, which carried an article entitled *Mahathir's Eldest Son Limits Ambition* on the front page of its Jan 4 edition last year.

In his submissions, Lazar also said Nathan was wrong to rule that the Jan 4 article was defamatory on the basis that the m-inter chose the defence of justification.

He said the ruling was unnecessary at this stage because the preliminary issue was only whether his client should provide better and further particulars to Mirzan.

At this point, judge Datuk Gopal Sri Ram commented: "He (Nathan) has already said it was defamatory, so how can he hear the matter now?"

Lazar said Nathan was

wrong to conclude that the defence of justification cannot be pleaded on the belief of a third party.

If this was so, no printing company sued for alleged defamation can ever choose a defence of justification, he said.

Mirzan, the group executive chairman of Konsortium Perkapalan Bhd, claims the article was defamatory and is suing Star Papyrus, a subsidiary of Star Publications, for RM150 million.

Separately, he is also suing New York-based Dow Jones & Company Inc and four others for RM200 million over articles which appeared in the AWSJ and the Internet.

The hearing before Gopal, Datuk Ahmad Fairuz Sheik Abdul Halim and Datuk Haidar Mohd Noor continues on Monday.

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